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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,398	06/23/2005	Stephane Beranger	Q88616	9712
23373	7590	09/26/2007	EXAMINER	
SUGHRUE MION, PLLC			TYLER, STEPHANIE E	
2100 PENNSYLVANIA AVENUE, N.W.			ART UNIT	PAPER NUMBER
SUITE 800			3754	
WASHINGTON, DC 20037				
MAIL DATE		DELIVERY MODE		
09/26/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/540,398	BERANGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephanie E. Tyler	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 June 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>6/23/2005</u> .	6) <input checked="" type="checkbox"/> Other: <u>Appendix A&amp;B</u> .

Detailed Action

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9,11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Hermouet et al. (filed Jan. 12, 2001).

The applied reference has a common inventor and/or assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

The Hermouet et al. reference discloses a fluid dispenser device (fig.1) having a chamber (fig.1)<sup>1</sup> provided with an inlet valve (5,13) and with an outlet valve (32), and defining a sealed slide cylinder (41); a piston (3) disposed inside the chamber and including a lip (31) capable of sliding in sealed manner in the slide cylinder (41); an

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<sup>1</sup> Please refer to Appendix A for specified feature(s).

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actuator rod (27) on which the piston (3) is slidably mounted; a bearing flange (fig.1) for coming to bear against a reservoir neck; and a ferrule (4) against which the piston (3) is resiliently urged in the rest position; the device being characterized in that the chamber comprises a top portion (fig.1) and a bottom portion (fig.1), the sealed slide cylinder (41) being situated above the bearing flange (fig.1), at the top portion, so that it cannot be inserted into a reservoir neck, and in that the bottom portion (fig.1) is situated below the flange (fig.1), so as to be inserted into the reservoir neck.

Re: claim 2 the slide cylinder (41) defines a bottom abutment end (fig.1) situated substantially at the bearing flange (fig.1).

Re: claim 3 the piston (3) is provided with guide means (fig.1) for holding it on the axis inside the chamber.

Re: claim 4 the guide means (fig.1) include a top guide sleeve (fig.1) engaged in a through hole formed by the ferrule (4).

Re: claim 5 rod (27) is not in contact with the ferrule (4).

Re: claim 6 the top sleeve (fig.1) surrounds the actuator rod (27).

Re: claim 7 the guide means include a bottom guide sleeve (fig.1) engaged in a bushing (fig.1) defining a bottom portion (fig.1) of the chamber.

Re: claim 8 the bushing (fig.1) defines a bottom end (fig.1) serving as an abutment for the inlet valve (5) in the open position.

Re: claim 9 a precompression spring (16), situated outside the chamber (fig.1), bears between the rod (27) and the piston (3) so as to urge the outlet valve (26,32) into the closed position.

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Re: claim 11 the slide cylinder (41) is formed by a body, the bearing flange (fig.1) being formed by a ring (fig.1,11) engaged around the body (1).

Re: claim 12 a pushbutton (8,fig.1) forming a fastener sleeve (fig.1), the actuator rod (27) defining a housing, the sleeve being engaged in the housing<sup>2</sup>.

Re: claim 13 a vent passage (15) that is closed in the rest position by a cone-shaped sealing contact.

3. Claims 1,5,10 are rejected under 35 U.S.C. 102(e) as being anticipated by Bougamont et al. (filed May 28,1998).

The Bougamont et al. reference discloses a fluid dispenser device (fig.1) having a chamber (11,230) provided with an inlet valve (12) and with an outlet valve (24c), and defining a sealed slide cylinder (fig.1)<sup>3</sup>; a piston (2) disposed inside the chamber and including a lip (33a) capable of sliding in sealed manner in the slide cylinder (fig.1); an actuator rod (23) on which the piston (2) is slidably mounted; a bearing flange (fig.1) for coming to bear against a reservoir neck; and a ferrule (33b) against which the piston (2) is resiliently urged in the rest position; the device being characterized in that the chamber comprises a top portion (230) and a bottom portion (11), the sealed slide cylinder (fig.1) being situated above the bearing flange (fig.1), at the top portion, so that it cannot be inserted into a reservoir neck, and in that the bottom portion (11) is situated below the flange (fig.1), so as to be inserted into the reservoir neck.

Re: claim 5 rod (23) is not in contact with the ferrule (33b).

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<sup>2</sup> It is inherit that the top sleeve is engaged to the housing, even though the housing is not shown in the drawing, it is known in the art to have a housing to hold the entire pump structure and fluid.

<sup>3</sup> Please refer to Appendix B for specified feature(s).

Re: claim 10 a return spring (4), situated outside the chamber, bears between the rod (23) and the ferrule (33b) so as to urge the piston (2) into the rest position.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Lina (5,482,188 & 5,803,318 & EP 0342651), Blake (6,708,852), Petit (6,824,020), Marelli (6,286,726) are other various types of fluid dispensers.

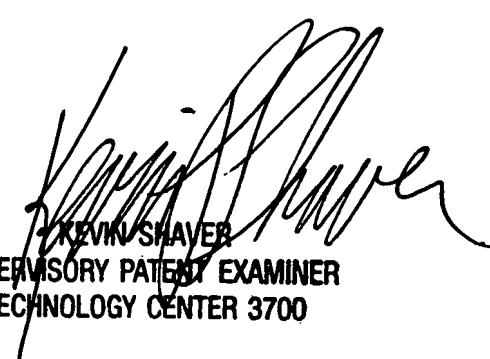
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie E. Tyler whose telephone number is 571-272-8059. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SET

  
KEVIN SHAVER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

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## APPENDIX A

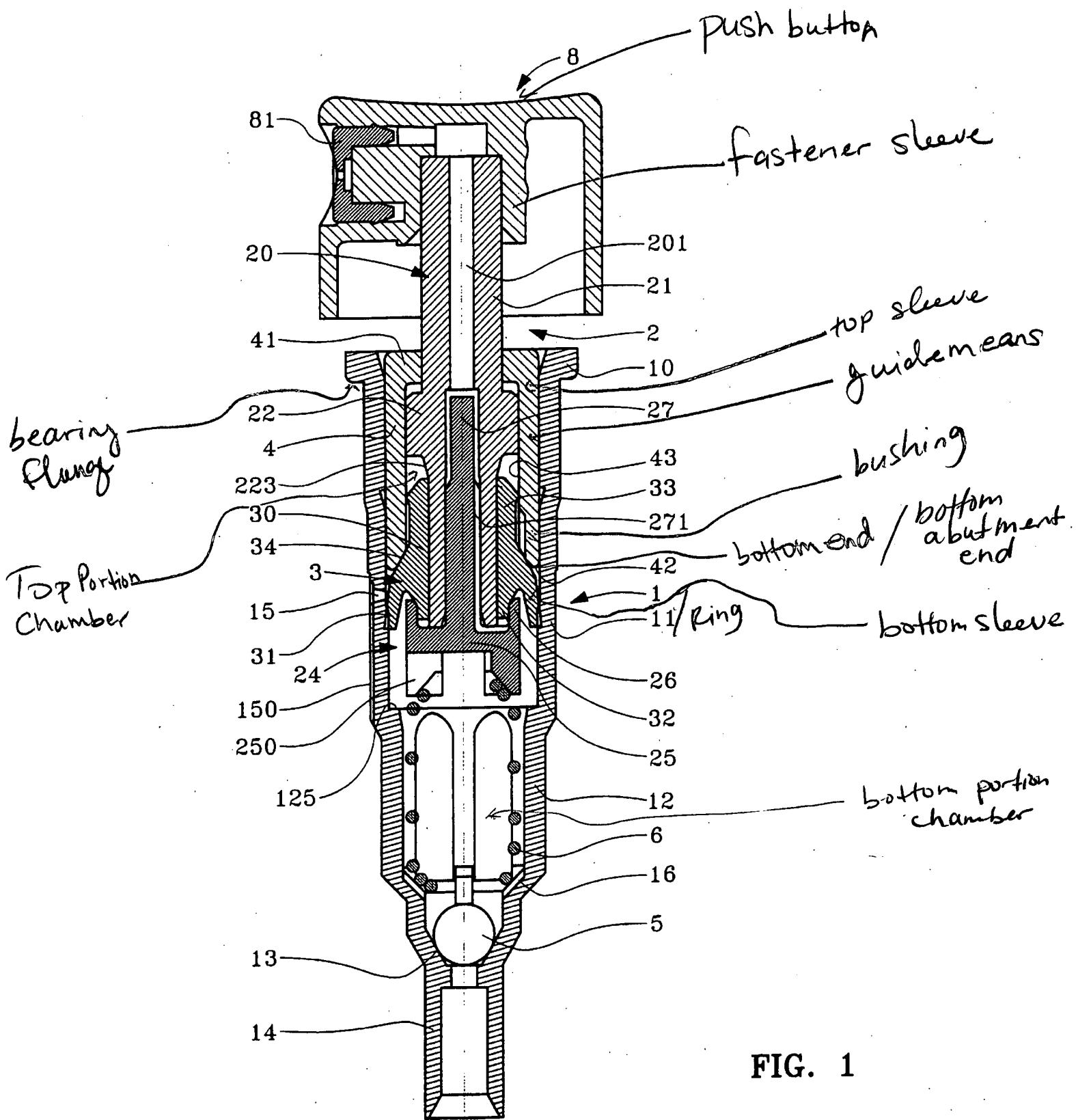


FIG. 1

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## APPENDIX B

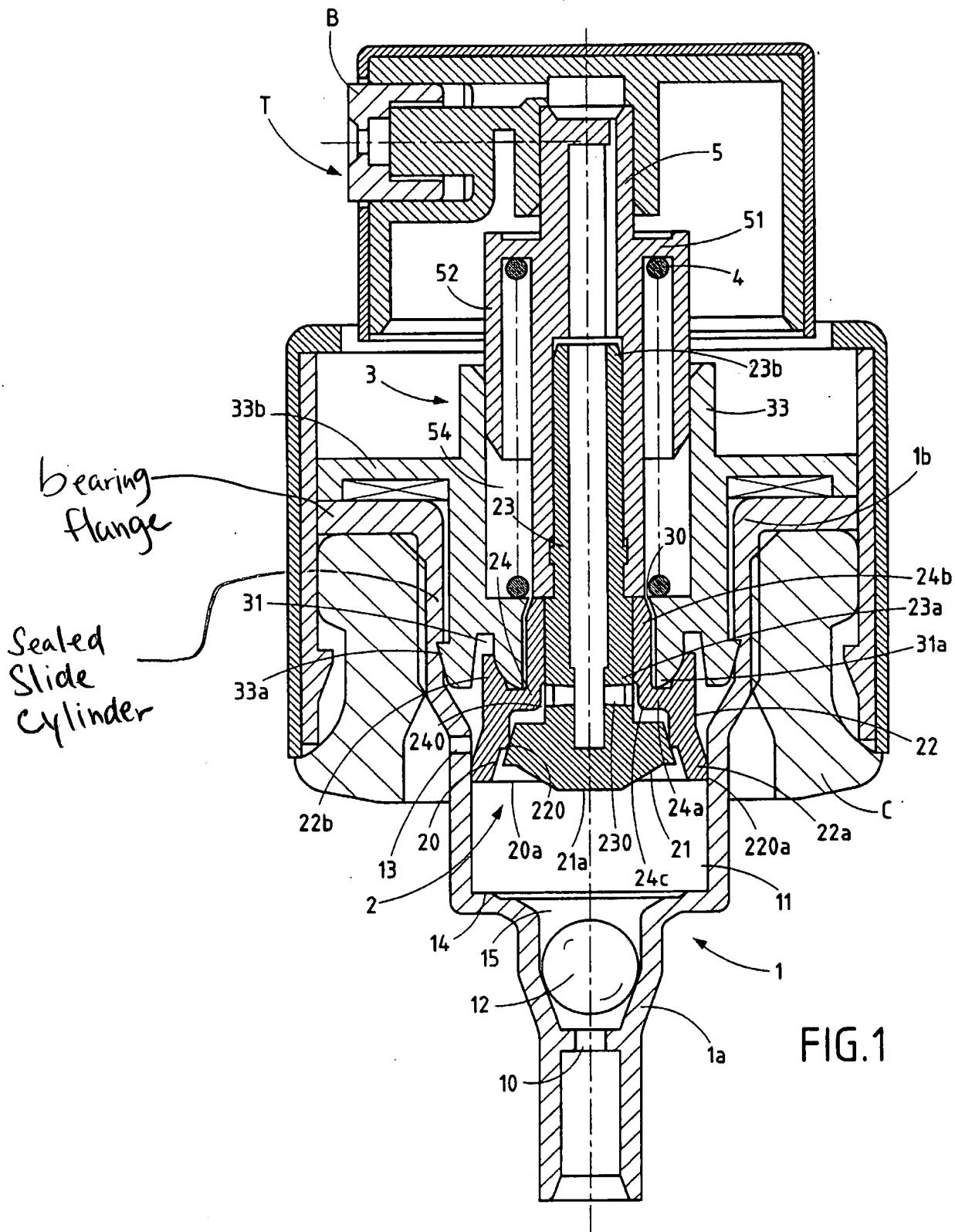


FIG.1